

ARRA Forest Health Improvement Initiative Grant Program

RESOLUTION 2010-04

A RESOLUTION BY THE VILLAGE OF BISCAYNE PARK FLORIDA TO ENTER INTO A GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY

WHEREAS, trees are an important part of our community; and

WHEREAS, the Village of Biscayne Park desires to apply for a Forest Health Improvement Initiative Grant which would provide monies to improve the condition of the community's tree canopy; and

WHEREAS, the Village of Biscayne Park desires to apply for a Forest Health Improvement Initiative Grant which would provide monies to improve the condition of the community's tree canopy; and

WHEREAS, the Village of Biscayne Park wishes to enter into a Forest Health Improvement Initiative Grant Memorandum of Agreement between the City of Hometown, Florida and the Florida Department of Agriculture and Consumer Services;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Biscayne Park, Florida:

Section 1. The City Council supports the improvement of the condition of the city's tree canopy.

Section 2. The City Council hereby authorizes the City Manager to enter into a Forest Health Improvement Initiative Grant Memorandum of Agreement between the City of Hometown, Florida and Florida Department of Agriculture and Consumer Services.

INTRODUCED, PASSED AND ADOPTED THIS THE 12TH DAY OF January, 2010.

BY: _____

Mayor

ATTEST:

City Clerk

APPROVAL AS TO FORM: _____

City Attorney

BID NUMBER: RFP/DF-09/10-47

OPENING DATE: FEBRUARY 12, 2010 @ 2:00 P.M.

REQUEST FOR PROPOSAL

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
DIVISION OF FORESTRY**

2009-11 FOREST HEALTH IMPROVEMENT INITIATIVE GRANT PROGRAM

SPECIAL TERMS, CONDITIONS AND SPECIFICATIONS

INTRODUCTION

At the present time, Florida's home foreclosure rate is among the top five states in the country. This has resulted in significant reductions in all sectors of the construction and real estate industries in all parts of the state. Consequently, revenues to local governments have drastically fallen, causing them to reduce investments in the maintenance of their community forests. City planners report that they prefer not to invest in additional reforestation because they don't have the necessary resources to maintain the trees that they already have. The private sector companies who perform this work have also scaled back their operations because of decreased demand for their services, contributing to the current high unemployment rate.

In addition, a number of Florida communities currently have large populations of declining and over-mature trees in their parks and rights of way that need to either be maintained or removed and replaced. When a sufficient amount of resources are not invested in this maintenance, damage to life and property occurs. This situation causes citizens to perceive trees as a liability or a hazard, rather than as an asset that provides amenities to their local area. Communities also need to invest more resources in reforestation to promote species diversity and increase their tree canopy cover to a desirable level.

PURPOSE

Investments in reforestation will stimulate increased economic activity in the nursery, landscaping, and transportation sectors of the economy. Arborists and tree workers will benefit from funds that are made available for tree maintenance practices such as pruning and site amelioration. Communities all over Florida will benefit ecologically from the increase in canopy cover and improved health and vigor of existing trees. Projects will contribute to improved water and air quality, improved community aesthetics, and increased employment opportunities for the green industry.

The Florida Division of Forestry will utilize 2009 American Recovery and Reinvestment Act (ARRA) funding from the US Forest Service to conduct a competitive grant process inviting eligible participants to apply for funding to reforest public rights-of-ways, parks, public schools, and other natural areas, as well as provide opportunities for tree remediation work which include corrective tree pruning, hazard tree removal and rehabilitation of soil conditions for significant trees.

Cities, counties, educational institutions, Native American tribal entities, and non-profit groups throughout the state will be eligible to apply for these grants. Priority for funding will be given to communities that have the highest unemployment rates in the state of Florida, and to blighted neighborhoods or underserved rural population centers. These areas should see increased employment opportunity for commercial arborists, landscape contractors, nurserymen, consulting arborists, and landscape architects/designers as a result of this initiative.

Copies of the Forest Health Improvement Initiative Grant Program Request for Proposal may be obtained by contacting: Department of Agriculture and Consumer Services, Purchasing Office, Mayo Building, Room SB-8, Tallahassee, Florida, 32399-0800, (850) 617-7180. It can also be downloaded from the Division of Forestry website, www.fl-dof.com.

SCOPE

A total of \$1.4 million will be made available to potential grant recipients. Funding for this grant program is provided by the US Forest Service from the American Recovery and Reinvestment Act that was passed by the US Congress in February, 2009. Florida Statute (F.S.) 589.28 authorizes the Florida Department of Agriculture and Consumer Services (hereafter referred to as FDACS or Department) to cooperate with local governments to promote the planting and protection of trees to improve the beauty and livability of urban environments within the State of Florida.

DEFINITIONS

For the purpose of this Request for Proposal (RFP):

1. "Applicant" means a local government, a Native- American Tribal Government, a legally organized nonprofit organization or an educational institution submitting a proposal for federal funds under this grant program.
2. "Proposal" means a Forest Health Improvement Initiative Grant Program Proposal Form and its required attachments and supporting documentation not to exceed a total of 30 one-sided pages, including maps and plans.
3. "Center Manager" or "District Manager" means the Division of Forestry administrative official, or his/her designee responsible for all forestry activities within a multi-county administrative unit, pursuant to Florida Statute 589.30.
4. "Chief Executive Officer" means the chief administrative employee of a local government, nonprofit organization or educational institution.
5. "Commissioner" means the Commissioner of Agriculture for the State of Florida.
6. "Department" or "FDACS" means the Florida Department of Agriculture and Consumer Services, an agency of the State of Florida.
7. "Grant Coordinator" means the Division of Forestry employee designated by the State Forester to coordinate implementation of the grant program.
8. "Grant Subcommittee" means the subcommittee assigned by the State Forester to score and rank the qualifying proposals.
9. "Local Government" means a county government, a municipality (an incorporated city, town, or village), a school board district or an independent special district.
10. "Nonprofit Organization" means an organization which has filed an application with the Secretary of State of Florida for nonprofit corporate status pursuant to Section 617, Florida Statutes, and has been issued a Federal Employer Identification Number by the Internal Revenue Service.
11. "RFP" means Request for Proposal.
12. "State Forester" means the Director of The Division of Forestry.
13. "Non-federal public property" means public property owned by state or local governments or Tribal governments.

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ELIGIBILITY REQUIREMENTS

1. Qualified applicants are limited to legal nonprofit organizations, educational institutions, local city and county governments and Native-American Tribal Governments. All qualified applicants throughout the State of Florida are eligible to participate.
2. Grant requests may not exceed \$24,000. Maximum grant award to a single applicant is \$24,000. The minimum grant amount that may be requested is \$2,000.
3. Recipients will not be required to match the funds provided under this grant program, although it is hoped that the available funding will encourage them to initiate similar tree management activities above and beyond the scope of the grant.
4. Expenses associated with travel and per diem are not eligible.

GRANT CATEGORIES

There are two grant categories:

1. Reforestation
2. Tree Remediation and Site Amelioration

A maximum of 35% of total funds will be made available for Category 2 projects, and the remainder will be allocated for Category 1 projects.

CATEGORY 1: REFORESTATION

The purpose of this practice is to increase local tree canopy cover, enhance the environmental and health benefits that trees provide to the local community, and to stimulate local economic activity in sectors related to the growing, transportation, and installation of trees. Funds may only be used for purchase and planting of trees or palms and related expenses listed below. Purchase and planting of shrubs and ground covers is not eligible.

Tree Planting Requirements

1. Trees and palms planted with funds from this program must meet or exceed Florida Grade #1 as described in the *Florida Grades and Standards for Nursery Stock*, published by the Florida Division of Plant Industry.
2. Trees may not exceed a 4-inch caliper. Palms may not be taller than 16 feet, clear trunk.
3. Minimum tree size is 1 and 1/2 inch caliper, in at least a 15 gallon container, unless prior approval to plant smaller trees in natural areas is granted.
4. At least three tree species suitable for the site and objective must be planted. Native species are preferred, but some non-invasive introduced species may be included.
5. Up to ten percent (10%) of the grant award may be used for the purchase and/or installation of irrigation equipment or an irrigation system, or for supplemental watering during the 60 day grow-in period.
6. Trees listed on the Exotic Pest Plant Council's MOST RECENT list of Florida's Invasive Species (Category I or II) may not be planted as any part of this grant program; the list may be found on the internet at www.fleppc.org.

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7. Maximum allowable cost per tree or palm is \$400.00, including purchase, delivery, and installation. The total cost cannot exceed this amount.
8. Written approval is required (as part of the proposal) from the Florida Department of Transportation for planting and maintenance on any state right-of-way.
9. Eligible multi-stemmed tree species include only those listed on the Right Tree/Right Place posters produced by the Florida Urban Forestry Council.
10. A maximum of \$12.00 per tree may be spent on planting materials during the 60 day grow-in period.
11. Up to ten percent (10%) of the grant award may be spent on site-preparation costs directly related to the tree planting.
12. Proposals must include: (a) detailed planting plan (site plan) which shows the location of the trees/palms, existing structures, and site limitations such as underground utilities and overhead wires, (b) location map, and (c) a minimum of three color photographs of the planting site.
13. A 60-day "grow-in period" is required prior to Certification of Acceptance by the Department and the processing of a final reimbursement. The proposal should state how the trees will be watered and cared for during the grow-in period.
14. All transportation and planting must be performed by contract vendors. **The grant will not pay for any in-house labor or in-house professional oversight.**
15. Up to ten percent 10% of grant funds may be used to hire an ISA certified arborist to oversee planting operations if the community does not have sufficient in-house expertise available.

CATEGORY 2: TREE REMEDIATION

The purpose of this practice is to improve the health of existing community trees, eliminate safety hazards associated with trees, and stimulate local economic activity in sectors related to tree care. The following practices are eligible for funding under this grant program:

1. Corrective Pruning - This will involve practices to improve tree health and enhance future structural stability. Grant recipients can use program funds to hire private vendors to prune trees according to ANSI-A300 standards, and then dispose of debris after pruning is completed. Trees must be located either on public rights-of way or in publicly owned parks and other natural areas.
2. Tree Removal - Trees located on either public rights-of way or in publicly owned parks and other natural areas are eligible. Grant recipients can use program funds to hire private vendors to take down qualifying trees and dispose of woody debris. Grant recipients will have to show evidence to an agency representative from the Division of Forestry in advance that each eligible tree contains defects that cannot be corrected by pruning and poses a potential safety hazard to persons and property in the immediate area. This could include either a written report from an ISA certified arborist or obvious visual defects. The maximum reimbursement amount per tree is \$1000, regardless of the actual total cost.
3. Site Amelioration - This will involve improving the site conditions of existing trees on public rights-of way or in publicly owned parks and other natural areas. Eligible practices include aeration of compacted soils using an air spade or similar device, enhancement of soil structure using amendments, and removal of any impediments that inhibit a trees' root growth or ability to absorb water and nutrients. Private vendors would have to provide these services. An agency representative from the Division of Forestry would have to certify in advance that each eligible tree is in a sufficiently visible public location and currently in an otherwise sufficiently healthy condition to where it could benefit from these treatments. A written report from an ISA certified arborist can be used as testimony of condition.

Grant applications for category II practices need to include the following information:

- a. A map of the area, showing the location of the trees to be treated.
- b. The grant narrative must describe the extent of the problem and the proposed treatment regimen, including timing. The latter should be consistent with standard practices as described in the American National Standards Institute (ANSI) ANSI A 300 Tree Care Standards manuals. Another source of technical information is the website <http://hort.ifas.ufl.edu/woody>. The narrative should also state how the recipient will supervise the project while in progress. It is preferable that an ISA certified arborist or a graduate forester from an accredited four year forestry program be involved in planning and implementing the practice.

SELECTION CRITERIA

The Grant Coordinator shall review and determine the completeness of the proposals. The following criteria must be met before the grant proposal may be determined to be complete:

1. The proposal must contain all the requested information and be legible and understandable.
2. A resolution or letter approving the proposal and authorizing the Chief Executive Officer of the applicant to execute agreements and documents associated with the grant request must be submitted as part of the proposal.
3. A budget detailing all costs of the project must be submitted with the proposal.
4. Late proposals, email transmissions, and fax transmissions will not be accepted or considered. Unsigned proposals will be ruled ineligible.

PROPOSAL EVALUATION CRITERIA

The Grant Subcommittee shall review and score all proposals which the Grant Coordinator has determined to be complete, based upon how well the proposal meets the purpose of the grant program. Once the applications are evaluated and scored according to the point system described below, they will then develop a prioritized list of applications recommended for approval by the Commissioner of Agriculture.

Scoring of proposals is based upon the following prioritized and weighted attributes. The maximum possible point score is **150 points**, including bonus points. A minimum score of **75 points**, including bonus points, is required for an application to be accepted. Funds will be allocated to the acceptable applications with the highest numerical scores in each of three (3) population regions of the state (see Appendix K). Each region shall receive approximately \$465,000, unless they do not have a sufficient number of accepted applications. In that case, funds will be awarded to accepted applications in the other regions. A maximum of 35% of total funds will be allocated to Category II practices.

- a. **Demonstrated Need - 50 points maximum**
Highest score will be given to proposals that demonstrate an economic need for funds. Applications from counties with the highest current unemployment rates in their region will receive the higher scores. Within those counties, either smaller, rural communities or blighted and underserved neighborhoods in larger cities will be scored the highest in this category.
- b. **Previous U&CF Grants Received - 20 points maximum**
Highest scores will be given to applicants who have not received Urban and Community Forestry grant funds within the past three years. Applicants will have five points deducted from their maximum score in this category for each grant approved in the past three years, including hurricane grants.

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- c. **Cost Effectiveness - 15 points maximum**
Highest score will be given to proposals that will clearly maximize results with the efficient use of grant dollars, clearly describe how funds will be expended, and adhere to the cost parameters listed in this RFP. Including written estimates will enhance this score.
- d. **Well-Defined Goals and Objectives - 15 points maximum**
Highest score will be given to proposals that clearly state goals and objectives that will expand/complement their existing U&CF program efforts.
- e. **Technical Correctness - 15 points maximum**
Highest score will be given to proposals which include competent project supervision, adherence to tree planting and other practice specifications, and knowledge of how to implement the practice they are proposing.
- f. **Level of Community Involvement or Support - 10 points maximum**
Highest score will be given to proposals that provide documented community support, involve partnerships with private industry, volunteer groups or other local governments, and encourage continued citizen involvement in the local urban forestry program. At least three letters of endorsement from the local community are recommended.
- g. **Promotional Value - 5 points maximum**
Highest score will be given to proposals which have a high potential for positive public relations, where the applicant indicates a strategy for publicizing the project.
- h. **Completeness of Proposal - 5 points maximum**
Highest score will be given to proposals which are complete, include all of the required attachments, and provide a detailed explanation of the proposal.

In addition to the above the following will be considered for bonus scoring during the evaluation: (15 point maximum)

- i. **Tree City USA certification - 5 points**
Indicates a community's commitment to sustaining their urban forestry program.
- j. **Tree City Growth Award Recipient - 5 points**
Community demonstrates a sustained commitment to its urban forestry program.
- k. **Proposal specifies a Certified Arborist(s) or a graduate forester from an accredited four -year Bachelor of Science in Forestry program will be involved in project implementation - 5 points.**
Indicates a community's commitment to the proper implementation of urban forestry practices.

REJECTION OF PROPOSALS

The Department reserves the right to recommend partial funding of proposals, the right to reject any or all proposals or waive minor irregularities when to do so would be in the best interest of the State of Florida, and to reject the proposal of a Proposer whom the Department determines is not in a position to perform the Contract. Minor irregularities are those which will not have a significant or adverse effect on overall competition, cost or performance.

POSTING AND RECOMMENDED AWARDS

Tabulations with recommended award(s) will be posted on or about the date indicated on herein for review by interested parties on the Florida Bid System at <http://www.myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements. Tabulations will remain posted for a period of seventy-two (72) hours. Failure to file a protest within the time

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prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Failure to file the proper bond at the time of filing the formal protest will result in denial of the protest.

Proposals that do not receive an award during the current grant cycle will be notified in writing with an explanation of why they received a lower score. At the same time, suggestions will be provided for ways they can improve their chances of being awarded a Grant in the future.

LATE PROPOSALS

Proposals received by the Department after the proposal opening time and date will be rejected as untimely and will not be opened. A late proposal notice will be sent to the Proposer after the posting of Award Notice with instructions for its return. Unclaimed late proposals will be destroyed after 45 days. Offers from vendors listed on the Department's posted Award Notice are the only offers received timely in accordance with the Department's proposal opening time and date.

COST OF PREPARATION

The Department is not liable for any costs incurred by a Proposer in response to this Request for Proposals including an optional oral presentation.

FOREST HEALTH IMPROVEMENT INITIATIVE GRANT MEMORANDUM OF AGREEMENT , IF APPLICABLE)

A grant under this program will not be awarded until a Grant Memorandum of Agreement has been fully executed between the Department and the Applicant.

1. The Grant Memorandum of Agreement shall detail the responsibilities of the applicant, a schedule and the terms of payment for the project (Attachment G).
2. The Maintenance Memorandum of Agreement (if applicable) shall detail the responsibilities for maintenance of any areas landscaped or improved by the proposed project.

EXECUTION OF AGREEMENTS AND DOCUMENTS

Upon notification of a Grant Award, the following shall take place:

1. It will be the responsibility of the applicant to insure that the Grant Memorandum of Agreement is fully executed within a period of sixty (60) days upon receipt. Failure to comply with this schedule may result in the grant offer being withdrawn.
2. Although it is the intent of the Department to expedite the grant award process as much as possible, applicants should be aware that they may not receive a fully-executed grant Memorandum of Agreement before April 1, 2010, and should schedule their projects accordingly. **No costs to be charged against the grant can be incurred before the MOA is executed.**
3. The Grant Memorandum of Agreement prepared between the Department and the Applicant shall stipulate:
 - a. What is to be accomplished under the grant.
 - b. The schedule and payment terms.
 - c. The schedule and content of progress reports.

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- d. Any penalties or actions that the Department will take in the event of noncompliance.
- e. The methods to be used by the Department to determine compliance with the terms of the grant agreement.
- f. Maintenance responsibilities for trees planted as part of the grant program.

REVIEW OF PROJECTS IN PROGRESS AND UPON COMPLETION

The Department shall ensure that the terms of the agreements executed under these guidelines are enforced.

An Interim report showing the status of the project is due **July 1, 2010**, and shall be due quarterly until project completion.

The Grant Coordinator or his designee shall review the projects prior to final acceptance by the Department.

All projects and related expenditures must be completed by **July 31, 2011**. All reimbursement claims must be submitted by **September 30, 2011**.

FUNDING SOURCE

Grant awards are 100% funded by the federal government through the U.S. Forest Service. These funds are a part of the 2009 American Recovery and Reinvestment Act. For this grant program, the Florida Division of Forestry has allocated \$1,400,000 in funds received from the U.S. Forest Service for this grant program. Should additional funding become available, it will be added to this amount.

State funds will be allocated to each of three regions based on population (see Attachment L) as previously described. FDACS reserves the right to transfer surplus funds from one region of the state to another so as to fully utilize federal funding.

The State of Florida's performance and obligation to pay under this grant program is contingent upon funding by the U.S. Forest Service.

ALLOWABLE COSTS

The following Office of Management and Budget Circulars should be used as a reference for allowable costs for federally funded programs:

- A-21 Educational Institutions
- A-87 State and Local Governments
- A-122 Non-Profit Organizations

These circulars are available on line at <http://whitehouse.gov/omb/circulars/index.html> or you can request a copy from the Grant Coordinator.

Purchases by the grant recipient of \$2,500 to \$25,000 shall be carried out documenting two or more written quotations or written records of telephone quotations or informal bids to be opened upon receipt, whenever practical. Competitive sealed bidding is required for all purchases exceeding \$25,000. Justification must be provided for a sole source award or for an award to a vendor other than the vendor submitting the lowest bid or quote.

METHOD OF REIMBURSEMENT

Reimbursements can be made on a quarterly basis, if requested. **No advance payments shall be provided.** Applicants must submit a completed reimbursement summary sheet (**Attachment I**) to the Department with

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sufficient attachments to verify the claims made. These may include invoices, receipts, canceled checks, payroll log sheets, etc. FDACS will submit the claim for payment. No more than 75 percent of the grant amount will be paid to the Grantee prior to the submission of a completed Certification of Acceptance endorsed by the Department.

The final payment shall be made once the following documents are received:

- Certification of Acceptance endorsed by a Division of Forestry official.
- Final Reimbursement Summary Sheet with attached backup documents.
- Final Report - brief narrative summarizing project accomplishments.
- Recovery Act Questionnaire (**Attachment K**)- Completed and signed.
- News release to be submitted to a local publication crediting the US Forest Service for providing funding.
- Letter to local US Congressional representative acknowledging receipt of funds under this program and how they were used.

Upon receipt of these items in the Tallahassee State Office, the Department will submit the claim for payment. Payment shall be made in accordance with Section 215.422, Florida Statutes, which states the contractor's rights and the state agency's responsibility concerning interest penalties and time limits for payment of invoices (see Attachment A).

ANY WORK PERFORMED ON THE PROJECT AND/OR ANY EXPENDITURES MADE PRIOR TO EXECUTION OF A GRANT AGREEMENT AND WRITTEN AUTHORIZATION FROM FDACS, DIVISION OF FORESTRY, IS INELIGIBLE FOR REIMBURSEMENT.

The Federal Employer Identification Number (FEIN) will be the primary factor used to identify applicants. FDACS cannot process a request for reimbursement without the FEIN.

SPECIAL PROVISIONS

GRANT AGREEMENT AND CONDITIONS

Terms and conditions within the Grant Agreement (Attachment G and Attachment H) and associated attachments shall apply.

FDACS will have the right to access any books, documents, papers, and records of the grant recipients which are directly pertinent to the Grant Agreement, for the purpose of making audit examinations, excerpts and transcriptions.

A quarterly interim progress report and a final project report will be required of all selected grant recipients. Additional progress reports may be required if grants are extended past the initial deadline. Failure to submit a required report or submission of an unsatisfactory report is sufficient grounds for termination of the grant agreement.

All products (brochures, signs, videos, reports, etc.) funded by the U&CF grant must display the following statement:

"This funding for this project was provided by the American Recovery and Reinvestment Act of 2009. USDA is working to implement provisions of the American Recovery and Reinvestment Act of 2009 (Recovery Act) to put Americans back to work and rejuvenate the nation's economy. The Recovery Act provided USDA with nearly \$28 billion in funding, of that, \$1.15 billion has been allocated to the Forest Service for project work in forest restoration, hazardous fuels reduction, construction and maintenance of facilities, trails, and roads, green energy projects and grants to states, tribes, and private landowners."

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PUBLIC ENTITY CRIMES

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION

An entity or affiliate who has been placed on the discriminatory vendor list may not submit a proposal on a contract to provide goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact any business with any public entity.

EMPLOYMENT OF UNAUTHORIZED ALIENS

Pursuant to Executive Order 96-236, effective October 1, 1996, the following standard provision shall apply to any contract awarded as a result of this Request for Proposal:

The Department shall consider the employment by any Contractor of unauthorized aliens a violation of section 274(a) of the immigration and Naturalization Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be caused for unilateral cancellation of this contract.

AUDITS

The Contractor shall maintain books, records and documents directly pertinent to the performance under this contract in accordance with generally accepted accounting principles consistently applied. FDACS, the State or their authorized representatives shall have access to such records for audit purposes during the term of the contract and for three years following the contract termination date or date of final payment, whichever is later. If an audit, litigation or other action involving the records is started before the end of the three year period, the records must be retained until all issues arising out of the action are resolved, or until the end of the three year period, whichever is later.

In accordance with Federal laws and regulations, the Contractor agrees to comply with audit requirements, as applicable, of the Office of Management and Budget (OMB) Circular A-133. Any contract resulting from a proposal developed for any division where federal funds are distributed, shall be in compliance with this circular.

CERTIFICATION REGARDING LOBBYING AND DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS FOR EXPENDITURE OF FEDERAL FUNDS

Any person submitting a response to this bid **MUST** execute the enclosed form DACS-01522, CERTIFICATION REGARDING LOBBYING AND DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS FOR EXPENDITURE OF FEDERAL FUNDS, and enclose it with his/her bid or proposal (see Attachment C). The certification for Lobbying is required by 7 CFR Part 3018 for expenditures \$100,000 and above. The certification for Debarment and Suspension and Other Responsibility Matters is required by 7 CFR Part 3017 for expenditures \$25,000 and above.

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DRUG-FREE WORKPLACE

Preference shall be given to the proposal certifying a drug-free workplace has been implemented in accordance with Section 287.082, Florida Statutes. Whenever two or more equal proposals are received by the State or by any political subdivision for the procurement of commodities or contractual services, a proposal received from a business that certified that it has implemented a drug-free workplace shall be given preference in the award process. Established procedures for processing a tie proposal will be followed if none of the tied vendors have a drug-free workplace program. (Attachment C, Certification Regarding Lobbying; Debarment; Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements must be completed and returned as part of this contract.)

CERTIFICATION OF NO CONFLICT OF INTEREST

Any person submitting a bid or proposal in response to this Request for Proposal must execute the enclosed Conflict of Interest Statement (see Attachment B) and enclose it with his/her bid or proposal. Award will not be made by the Department until the certification is signed by the Proposer and submitted to the Department.

NON-DISCRIMINATION STATEMENT

In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, this Contractor is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202)720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

INTERPRETATIONS/DISPUTES

Any questions concerning conditions and specifications shall be directed in writing to the Purchasing Office for receipt no later than 10 days prior to the bid opening. No interpretation shall be considered binding unless provided in writing by the Department's Purchasing Director in response to requests in full compliance with this provision. Any person who is adversely affected by the agency's decision or intended decision shall file with the agency a Notice of Protest in writing within 72 hours after the posting of the notice of decision or intended decision. With respect to a protest of the terms, conditions, and specifications contained in a solicitation, including any provision governing the methods for ranking bids, proposals, or replies, awarding contracts, reserving rights or further negotiation, or modifying or amending any contract, the Notice of Protest shall be filed in writing within 72 hours after the posting of the solicitation. The formal written protest shall state with particularity the facts and law upon which the protest is filed.

AWARD OF IDENTICAL (TIE) PROPOSALS

In the event that identical proposals are received, preference shall be given to the proposal certifying a drug-free workplace has been implemented in accordance with Section 287.087, F.S. Award shall be determined by using the number of valid vendor complaints on file or by lot; except that the proposal which related to commodities manufactured within this State shall be given preference and the proposal of any foreign manufacturer with a factory in the State employing over 200 employees working in the State shall have preference over the proposal of any other foreign manufacturer.

QUESTIONS

Questions concerning the technical aspects of the proposal or the Applicants' Workshops should be directed to the nearest FDACS, Division of Forestry office (see Attachment M, List of Division of Forestry District/Center Contacts), or to:

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Division of Forestry
Florida Department of Agriculture and Consumer Services
3125 Conner Boulevard, Suite R-3
Tallahassee, FL 32399-1650
Telephone (850) 921-0300

Questions regarding procedures for submittal of proposals should be submitted to:

Christie Hutchinson, Purchasing Director
Division of Administration
Department of Agriculture and Consumer Services
Mayo Building, Room SB-8
Tallahassee, FL 32399-0800
Telephone (850) 617-7181

No negotiations, decisions, or actions shall be initiated or executed by the applicant as a result of any discussions with any FDACS employee. Only those communications which are in writing from the Department's Purchasing Office may be considered as a duly authorized expression on behalf of the Department. Only communications from the applicant which are signed and in writing will be recognized by the FDACS as duly authorized expressions on behalf of the applicant.

SCHEDULE OF EVENTS

December 7, 2009	Notification of Availability of Request for Proposal mailed to all potential applicants. RFP available for download at www.myflorida.com and www.fl-dof.com .
January, 2010	Informational workshops at various locations throughout the state.
February 12, 2010 @ 2:00 P.M.	Sealed proposals in response to RFP must be received by FDACS Purchasing office.
March 15, 2010	Evaluation of proposals.
March 31, 2010	Posting of Award on the Florida Bid System at http://myflorida.com . click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements. Tabulations will remain posted for a period of seventy-two (72) hours. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Failure to file the proper bond at the time of filing the formal protest will result in denial of the protest.
July, 2010	First quarterly Interim report due.
September, 2011	All closeout documentation submitted no later than September 30, 2011.

BID NUMBER: RFP/DF-09/10-47

OPENING DATE: FEBRUARY 12, 2010 @ 2:00 P.M.

ATTACHMENT A

STATE OF FLORIDA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**NOTIFICATION OF VENDOR OMBUDSMAN'S NAME
AND TELEPHONE NUMBER**

Vendors providing goods and services to an agency should be aware of the following time frames. Upon receipt, an agency has five (5) working days to inspect and approve the goods and service, unless the bid specifications, purchase order or contract specifies otherwise. An agency has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.

If a payment is not available within 40 days, a separate interest penalty of .02740 percent per day will be due and payable, in addition to the invoice amount, to the vendor. Payments to health care providers for hospital, medical or other health care services, shall be made not more than 35 days from the date eligibility for payment is determined, and the daily interest rate is .03333 percent. Interest penalties of less than one (1) dollar will not be enforced unless the vendor requests payment. Invoices which have to be returned to a vendor because of vendor preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the agency.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for vendors who may be experiencing problems in obtaining timely payments(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Department of Financial Services Consumer Hotline at 1-800-342-2762.